

Message Text

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C O N F I D E N T I A L ISLAMABAD 4067

E.O. 11652: GDS
TAGS: PINS, SHUM, PK, US
SUBJECT: LINDSAY COMMITTEE AND BHUTTO TRIAL DOCUMENTS

REF: A) STATE 100891, B) ISLAMABAD 3783

1. A COMPLETE SET OF THE BHUTTO TRIAL DOCUMENTS, POSSIBLY INCLUDING SUCH PAPERS AS FORMER MAYOR LINDSAY HAS DESCRIBED AS "PROSECUTION AND DEFENSE BRIEFS," IS NOT NOW AVAILABLE TO THE GENERAL PUBLIC IN PAKISTAN AS FAR AS WE CAN DETERMINE. PART OF THIS IS SIMPLY A MATTER OF SCALE; PAKISTAN HAS REALLY JUST ENTERED THE XEROX ERA, THE TRIAL WENT ON FOR MANY MONTHS, AND THE RECORD IS VOLUMINOUS.

2. A SET OF DOCUMENTS MOST NEARLY APPROXIMATING SUCH A COMPILATION OF THE TRIAL RECORD IS ONE NOW BEING PULLED TOGETHER -- AT THE ORDER OF THE SUPREME COURT -- FOR USE BY THE ATTORNEYS ENGAGED BY BHUTTO AND HIS FOUR ACCOMPLICES IN PREPARING THEIR BRIEFS FOR THE SUPREME COURT APPEAL OF THE LAHORE GUILTY VERDICT, SCHEDULED NOW TO BEGIN IN RAWALPINDI ON 20 MAY. DEFENSE LAWYERS WOULD, OF COURSE, HAVE THEIR OWN DOCUMENTS AS WELL.

3. WE HAVE NO INDICATION HOW THE GOVERNMENT INTENDS TO REGARD THE
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DOCUMENTS WHEN THEY ARE TURNED OVER TO THE DEFENSE ATTORNEYS, BUT THE LINDSAY COMMITTEE'S FIRST RECOURSE FOR DOCUMENTATION, WE BELIEVE, SHOULD BE TO ESTABLISH CONTACT WITH BHUTTO'S DEFENSE TEAM IN LAHORE. THE USG SHOULD NOT BE INVOLVED.

4. WE SHOULD ADD THAT SUMMARIES OF THE TRIAL PROCEEDINGS AT THE LAHORE HIGH COURT AND THE FULL TEXT OF THE COURT'S VERDICT HAVE

APPEARED IN ENGLISH LANGUAGE NEWSPAPERS LIKE DAWN AND THE PAK TIMES, WHICH SHOULD BE AVAILABLE AT THE PAKISTAN EMBASSY IN WASHINGTON OR CONGEN IN NEW YORK, IF NOT AT THE NEW YORK PUBLIC LIBRARY.

5. THE ONLY DOCUMENT FOR WHICH PUBLIC DISSEMINATION HAS BEEN OFFICIALLY PROSCRIBED (BY THE HIGH COURT) -- AND IT IS THIS TO WHICH LINDSAY MAY HAVE BEEN REFERRING -- IS THE MANY-HUNDRED PAGE STATEMENT, CITED BY BBC AND OTHERS, WHICH WAS PREPARED AND DELIVERED BY THE FORMER PRIME MINISTER DURING THAT PORTION OF HIS TRIAL WHICH WAS HELD IN CAMERA. IT WAS WHAT THE COURT REGARDED AS THE "INFLAMMATORY" NATURE OF HIS PRESENTATION WHICH LED TO THE COURTROOM'S BEING EMPTIED OF SPECTATORS. WE HAVE SEEN BRIEFLY BUT DO NOT HOLD A COPY OF THAT STATEMENT, WHICH IS MORE A LENGTHY AND POLEMICAL DEFENSE OF BHUTTO'S STEWARDSHIP IN POWER THAN A DOCUMENT SPECIFICALLY AIMED AT REFUTING THE CHARGES LEVIED IN THE LAHORE INDICTMENT AND TRIAL.

6. IT SHOULD BE RECALLED THAT AT A POINT WELL INTO THE TRIAL, BHUTTO DECLINED TO ACCEPT THE JURISDICTION AND BONA FIDES OF THE COURT AND OF THE WHOLE PROCEEDINGS AGAINST HIM; HE SUBSEQUENTLY DISMISSED HIS ATTORNEYS AND CONDUCTED NO DEFENSE, IN THE USUAL MEANING OF THAT TERM, BEYOND HIS LONG STATEMENT. BEGIN FYI: SEVERAL NEWSPERSONS OBTAINED COPIES OF THE BHUTTO STATEMENT AND TOOK IT OUT OF THE COUNTRY WITH THEM; THESE INCLUDE, WE BELIEVE, THE BBC, THE LONDON TIMES, AND POSSIBLY THE NEW YORK TIMES. END CONFIDENTIAL

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FYI.

7. OUR VIEW THAT THE USG SHOULD NOT BE INVOLVED IN HELPING THE LINDSAY COMMITTEE IS CONDITIONED BY OUR READING OF THE PRESENT POLITICAL CLIMATE WHICH REINFORCES THE ALMOST TRADITIONAL PAKISTANI PARANOIA ABOUT FOREIGN INTERVENTION). THE LINDSAY COMMITTEE'S ACTIVITIES WILL BE PERCEIVED IN PAKISTAN AS "UNWARRANTED INVOLVEMENT IN PAKISTAN DOMESTIC AFFAIRS," JUST AS AGHA SHAHI HAS SAID. FOR THAT REASON, WE WOULD ASSUME THAT THE LINDSAY GROUP WOULD RECEIVE VERY LITTLE COOPERATION FROM THE GOP AND MIGHT EVEN FIND ITS EFFORTS TO OBTAIN DOCUMENTS FROM THE BHUTTO LEGAL TEAM FRUSTRATED BY GOP INTERFERENCE OR REFUSAL TO ASSIST.
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